



## Public Service Commission

### Public Service Commission

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Secretary

Three Empire State Plaza, Albany, NY 12223-1350  
[www.dps.ny.gov](http://www.dps.ny.gov)

June 15, 2023

*Via Electronic Mail*

Megan E. Baroni  
Robinson + Cole  
1055 Washington Blvd.  
Stamford, CT 06901-2249  
[mbaroni@rc.com](mailto:mbaroni@rc.com)

Re: Case 23-M-0106 - In the Matter of Commission Registration of Energy Brokers and  
Energy Consultants Pursuant to Public Service Law Section 66-t.

Dear Megan Baroni:

I received your letter dated June 8, 2023, filed on behalf of the Retail Energy Supply Association (RESA), requesting an extension of the deadline for compliance with Section 66-t of the Public Service Law (PSL) until 60 days after the Public Service Commission (Commission) issues a decision on the Proposal of the Department of Public Service staff regarding Registration of Energy Brokers and Energy Consultants (Staff Proposal). As you note in your letter, the Staff Proposal was filed in this proceeding on March 14, 2023, and published in the State Register on March 22, 2023, and various stakeholders, including RESA, were able to file comments for the Commission's consideration.

You note that the provisions of PSL Section 66-t are to take effect 180 days after enactment, on June 21, 2023, and the Commission's next session is not until June 22, 2023. You assert that, because the Commission has not yet issued a decision on the Staff Proposal, those subject to PSL Section 66-t will not have the necessary guidance to ensure compliance with its requirements.

Your request to extend the deadline for compliance with the statute seeks to have the Commission perform an action that is *ultra vires*. The Commission does not have the authority to postpone the effective date of legislation. Accordingly, the extension request is denied.

This ruling will be posted on the Department's website.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle L. Phillips", written over a light blue rectangular background.

Michelle L. Phillips  
Secretary